

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

IKON OFFICE SOLUTIONS, INC., *
*
PLAINTIFF, *
*
vs. * CIVIL ACTION NO. 2:05CV959-WKW
*
*
MARTHA SOUTHERLAND and *
ABS BUSINESS SYSTEMS, INC., *
*
DEFENDANTS. *

**MOTION OF PLAINTIFF IKON OFFICE SOLUTIONS, INC.
FOR EXTENSION OF DEPOSITION DESIGNATION DEADLINE**

Plaintiff IKON Office Solutions, Inc. ("Plaintiff" or "IKON"), by and through its undersigned counsel, Duane Morris LLP, hereby files this Motion for Extension of Deposition Designation Deadline because the current deadline falls more than three (3) weeks before the close of discovery and because transcripts for the depositions taken to date have not yet been received.

Section 10 of the Court's Uniform Scheduling Order dated March 30, 2007 provides as follows:

SECTION 10. On or before February 14, 2007, the parties shall, pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, identify any part of a deposition or other document that a party expects to use at trial. Adverse parties shall within **ONE WEEK THEREAFTER** identify any responsive parts of depositions expected to be used, and a party shall within **THREE DAYS** of the designation of such responsive parts designate any part which is desired as a rebuttal thereto. Unless specifically agreed between the parties or allowed by the Court for good cause shown, the parties shall be precluded from using any part of a deposition or other document not so listed, with the exception of parts of depositions or documents to be used solely for the purpose of impeachment. Except to the extent written objections are served and filed **15 days prior to the trial date**, each party shall be deemed to have agreed that one of the conditions for admissibility under Rule 32 of the Federal Rules of Civil Procedure is satisfied with respect to any such deposition and that there is no objection to the testimony so designated.

Pursuant to the Court's Order dated November 29, 2006, discovery in this matter is due on March 9, 2007, more than three weeks after deposition designations are due.

To date, the parties have completed three (3) depositions. The transcripts for these depositions have not yet been returned. In addition, the parties have scheduled several additional depositions for February 16-22, 2007, prior to the discovery cut-off date.

To afford the parties time to complete the remaining depositions and to receive and review deposition transcripts prior to the deposition designation deadline, Plaintiff respectfully requests that the Court enter an Order extending the deadline for deposition designations as follows:

- (a) For all depositions completed by February 22, 2007: March 9, 2007;
- (b) For all depositions completed between February 23, 2007 and March 9, 2007: one week after the deposition.

Respectfully submitted,

/s/ Shannon Hampton Sutherland

Thomas T. Loder
 Shannon Hampton Sutherland
 DUANE MORRIS LLP
 30 South 17th Street
 Philadelphia, PA 19103-4196
 Phone: (215) 979-1246/1104
 Fax: (215) 979-1020
 ttloder@duanemorris.com
 shsutherland@duanemorris.com
Admitted pro hac vice

Lee H. Zell
 BALCH & BINGHAM LLP
 1710 6th Avenue North
 Birmingham, AL 35203
 Phone: (205) 251-8100
 Fax: (205) 226-8798
 lzell@balch.com

*Attorneys for Plaintiff
 IKON Office Solutions, Inc.*

CERTIFICATE OF SERVICE

I, Shannon Hampton Sutherland, hereby certify that a true and correct copy of the foregoing Motion of Plaintiff IKON Office Solution, Inc. to Extend Deposition Designation Deadline and a proposed form of Order have been served this 9th day of February, 2007, upon counsel of record as follows:

Via ECF to:

Roderick K. Nelson
Jarrod B. Bazemore
Leslie M. Hand
Steve R. Burford
Spain & Gillon, LLC
2117 2nd Avenue North
Birmingham, AL 35203

/s/ Shannon Hampton Sutherland
Shannon Hampton Sutherland